

Monitoring of Mining and Landfill Sites

Dainton Landfill Site

20 April 2016

Report prepared by Devon County Council

Section 303 of the Town & Country Planning Act 1990
as amended by the
Section 53 of the Planning and Compulsory Purchase Act 2004

Town & Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012
as amended

Note:

The information in this report/certificate reflects only those matters that were discussed at the Monitoring Visit. While every attempt has been made to make the Visit, Report and Certificate as comprehensive as possible, there can be no guarantee that all the requirements or obligations of the planning permission(s), approved scheme(s) and legal requirement(s) that may exist at the site have been included. The absence of any such obligation or requirement in the report and certificate cannot, therefore, be used as an indication of compliance.

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MONITORING OF MINING AND LANDFILL SITES IN DEVON

Name of Site:	Dainton Landfill Site	
Location	Dainton Landfill Site Dainton Quarry Ipplepen TQ12 5UA	Easting: 285075 Northing: 65983
Operator	Anthony Small	
Contact(s)	Stewart Killick (owner)	
Date of Visit	20 April 2016	
Time of Visit	10.00 → 10.50	
Weather Conditions (if relevant)	Dry and cloudy/sunny	
Type of Inspection	Scheduled Monitoring Visit	
Date of Notification (If Scheduled Visit)	29/02/2016	
Description of Visit	Monitoring visit consisted of walk around the site and discussions on the conditions and the timescales for the completion of the site.	
Monitoring Officer(s)	Name: Emily Harper	Title: Assistant Planning Officer
Operator Representative(s)	Name: Anthony Small	Title: Operator – AJS (Devon) Ltd
Draft Report Details	Written: 12/05/2016	Sent: 12/05/2016

PLANNING HISTORY

Application Number	Date	Description	Comments
10/01076/DCC	23/09/2010	Importation of inert sub soil and top soil to provide a growing medium suitable for agricultural restoration to Dainton Landfill	Expired 12 th November 2012
12/00946/DCC	10/08/2012	Variation of condition 3 of permission 10/01076/DCC to allow for an extension of the time period for the completion of the restoration of Dainton Landfill for a further 3 years	Expired 10 th August 2015
15/02209/DCC	15/10/2015	Variation of condition 1 of the planning permission DCC/3352/2012 to allow for the importation of inert sub soil and top soil to provide suitable agricultural restoration to the Dainton Landfill at Dainton Quarry for a further 12 months	Expires 10 th August 2016

CURRENT SITUATION

Following the previous monitoring visit (30th April 2015), a planning application was submitted for an extension of time for tipping operations and the restoration of the site (15/02209/DCC). This was granted and requires the site to be fully restored by the 10th August 2016.

During this monitoring visit, the operator stated there is now enough material on the site to reach the permitted levels, therefore, the site is in the process of being levelled, ready for the spreading of the topsoil. The topsoil heaps and the areas which have already reached the permitted levels are covered in vegetation, including weeds. As per the Agricultural Appraisal, submitted as part of 10/01076/DCC, any vegetation should be cleared prior to the spreading of the top soil. It is advised that the vegetation should be mechanically cleared, before the end of summer before the weeds seed themselves. There were also large blocks of rubble within the planting on the south eastern edge and litter across the site. The operator advised weeds, any litter and large blocks will be removed prior to spreading the top soil, which is anticipated by the operator to be completed by June 2016. The Waste Planning Authority (WPA) will carry out a site visit around this time to check the progress of the site.

Considering this timescale, the next available planting season will be after the expiration of the current permission. Providing that the tipping operations have ceased and the top soil has been spread prior to the expiration of the planning permission, the WPA consider it acceptable to carry out the planting in the next available planting season (November 2016 – March 2017).

The operator stated it is the landowner's responsibility to undertake the restoration as per the approved plans following the spreading of topsoil, currently the planting on the site does not correspond with the Landscape Proposal (Drawing-DR-01) submitted as part of 15/02209/DCC. The operator stated that during previous monitoring visits, different planting locations had been agreed. For clarity, the landowner has been asked to provide an amended plan that encompasses the principles of the landscape proposals and the management scheme. The landowner has agreed to provide this by the end of May.

There have been no complaints to the WPA or directly to the operator since the last monitoring visit.



Looking north-west over Phase 5 – this is currently where the site is being regraded



New top soil that that been brought onto the site – this is in the centre of the site, outside of the Temporary Soil Storage Area



Trees on the south-eastern boundary of the site – this area is covered in vegetation, which will require removal prior to the spreading of top soil.



Trees on the south-eastern boundary of the site, a large number of these appeared to have failed – this will be addressed in the restoration of the site



Top soil stores in the centre of the site with the material in Phase 2 still requiring regrading into the existing levels

PLANNING CONDITIONS

The following tables contain details of all those conditions, together with any requirements and obligations of any Approved Schemes and Planning Agreements that were the subject of discussion at the monitoring meeting.

These fall into one of three categories:

Green monitoring requirements

Work carried out/condition discharged.
(Requirements Carried Out)

This identifies certain ongoing activities that fulfil the requirements of planning conditions, and those conditions that have been complied with by the required deadline or as a result of earlier monitoring exercises.

The table specifies what was required to be carried out and gives a brief description of how compliance was achieved.

Amber monitoring comments

Work Required.
(Requirements Needing Action within a Specified Period)

Undertaking compliance with the identified conditions were agreed at the monitoring meeting be considered as a priority as compliance is either required within a nearby deadline, before parts of the development can be undertaken, or involve parts of the development that will be required to be addressed in the near future (within the next 12 months).

The table identifies the condition, the reason the condition has not yet been complied with and the course of action agreed at the monitoring meeting (or if there was no agreement reached, the County Council's required course of action).

Red monitoring comments

Non Compliance.
(Requirements Needing Immediate Compliance)

These are failures to comply with a planning condition, agreement or obligation and must be dealt with as a priority as failure to comply with the requirement can lead to possible enforcement action. (A monitoring report containing a red comment can prejudice ISO 14001 or EMAS accreditation).

The table identifies the condition, the reason for non-compliance and the course of action agreed at the monitoring meeting (or if there was no agreement reached, the County Council's required course of action).

Where there is a red warning on a specific condition it means that the County Council requires compliance for environmental or legal reasons and will state, on the monitoring report the date by which compliance should be reached and, if appropriate the steps agreed with the operator to undertake compliance. **If these timescales are not met and no other agreement has been reached with the County Council then this may result in automatic action to achieve compliance.**

CONDITIONS, SCHEMES AND S106 MONITORING

Non Compliance

S106 agreement – 10/01076/DCC

Compliance Status: URGENT ACTION REQUIRED.

Legal Agreement Details:

1. The Owner shall use best endeavours to ensure that access to and from the site for the purposes of the development shall be along the route shown on the attached plan
2. The Owner shall pay a contribution of £10,000 on demand to the Council towards the costs of repair to the access road by virtue of extraordinary usage of this road by vehicles using the Site

Comments/ Course of Action:

1. The operator stated that, to his knowledge, deliveries were using the agreed route.
2. The contribution to the repair of the road is outstanding, despite being requested by the Waste Planning Authority. This has been chased on several occasions. Devon County Council will begin legal action to obtain this payment if this is not paid as per the agreed instalments.

Work Required

Application Number: DCC/3801/2015

Condition Number: 1.

Compliance Status: WORK REQUIRED.

Work is required by March 2017 (see comments below).

Condition:

This permission shall be limited to a period of 1 year from the 10th August 2015, by which time the tipping operations shall have ceased and the site shall have been restored in accordance with the scheme previously approved and shall be subject of an aftercare period of 5 years (see condition 5 below).

REASON: To ensure the restoration of the site within a reasonable and acceptable timescale.

Comments/ Course of Action:

Tipping operations should cease and restoration be completed by the 10th August 2016. The operator stated that there is enough inert material on the site to meet the permitted levels. The site is in the process of being levelled, ready for the spreading of the topsoil. There is already topsoil contained within the site, however, the operator is taking deliveries of topsoil if this becomes available in the local area. The operator estimated that the spreading of top soil would be completed by June 2016.

The operator stated it is the landowner's responsibility to undertake the restoration as per the approved plans following the spreading of topsoil. However, the next available planting season is not until November 2016, after the expiration of the permission.

Considering that all inert material will be on the site and the top soil will be spread prior to the expiration of the permission, it is reasonable to agree that any planting can be carried out in the

next planting season (November 2016 - March 2017). A site visit will be carried out in June/July 2016 to ensure that the topsoil has been spread and review the situation, if necessary.

Application Number: DCC/3801/2015

Condition Number: 2.

Compliance Status: WORK REQUIRED.

Work is required by the following date 31/05/2016 (see comments below).

Condition:

Except as may be varied or required by the planning conditions the development shall be carried out in accordance with the drawings and supporting information submitted with the planning application 10/01076/DCC.

REASON: To ensure that the development is carried out in accordance with the details supplied with the planning application.

Comments/ Course of Action:

The main concern that has arisen from the monitoring visit was that the site has not yet begun restoration and that the planting that has occurred so far differs from that shown on the 'Landscape Proposals' plan (Drawing-DR-01). The operator stated that the location of the planting had been agreed on previous monitoring visits due to the way in which the site could be worked during wet weather. The trees are now located along the south eastern boundary of the site - crossing Phase 2, 4 and 3.

Following the site visit, a discussion with the landowner has taken place. It was agreed that a plan would be provided to show the agreed changes and that this should ensure all of the principles from the approved documents are included. The landowner stated this would be before the end of May.

The parts of the site that have reached the permitted levels and the topsoil heaps are covered with vegetation, including weeds. These will need to be cleared prior to the spreading of topsoil as per the reinstatement methodology outlined in the Agricultural Appraisal dated 29 September 2008 (submitted as part of 10/01076/DCC). The County Ecologist has advised that the weeds should be mechanically cleared prior to the spreading of the topsoil. This needs to be completed before the end of summer as this is when the weeds will seed themselves.

Application Number: DCC/3801/2015

Condition Number: 5.

Compliance Status: WORK REQUIRED.

See comments below

Conditions:

The development shall be carried out in accordance with the management and aftercare scheme approved by the Waste Planning Authority under conditions 7, 9 and 10 of permission 10/01076/DCC or such variation or alternative scheme that may subsequently be agreed in writing by the Waste Planning Authority.

REASON: In the interests of nature conservation, visual impact, highway safety and the amenity of the area.

Comments/ Course of Action:

See Management Scheme below

Application Number: DCC/3801/2015
Management Scheme

Compliance Status: WORK REQUIRED.

Work is required by March 2017 (see comments below).

Scheme:

1. What Phase is currently being tipped?
Phase 1 = Fine weather operations
Phase 2 = Worked as 1 & 2 as foul weather option
Phase 3 = To begin when Phase 2 completed (tree belt to be retained and protected)
Phase 4 = To begin when Phase 3 completed
Phase 5 = To begin when Phase 4 completed.
2. Do the phases contour down to meet the existing hedge/trees?
3. Has there been any incident where tipping has occurred within the crown spread of any tree?
4. Are all top soils stored within the temporary Soil Storage area?
5. Do the soil stores exceed 3m?
6. Is the hardstanding constructed and in good order?
7. Is a water bowser available and used in dry weather?
8. Is a road sweeper available and used in dry weather?

Restoration:

9. Has hedge planting been carried out? Are they fenced for protection?
10. When were the hedges last cut? (Should be every two years)
11. Have Hawthorne and Blackthorn been planted on the edge of the woodland in Phases 1 and 4?
12. Has any grassland been seeded?
13. Are problem species being treated?
14. Has top soil been spread?
15. Have there been any reptile sightings?
16. Is the Restoration Maintenance Schedule taking place?

Comments/ Course of Action:

1. The site has not been worked in accordance with the approved phase plan. Currently, material is being stored in Phase 4, and this phase and Phase 5 requires the most work to level the site to the permitted levels.
2. The site is in the process of being levelled – the completed areas meet the existing contours
3. No tipping was seen within the crown of any tree.

4. The top soil stores are currently outside of the 'Temporary Soil Storage area' in the middle of the site and there are a number of other top soil heaps in the south eastern area of the site. It is considered the locations of the soil are not causing harm to the local environment in their current position, and therefore, no action is required by the operator. The locations allow for the soils to be spread over the remaining areas once tipping operations have finished.
5. It was not considered the stores were above 3m
6. The hardstanding area has seen no change, the operator advised that there would be a gradual fall towards the gate once the material had been regraded on site.
- 7.-8. There was no water bowser or road sweeper on site; this is not considered an issue due to the completion of tipping at the site.
- 9.-16. Restoration and the spreading of the top soil has not yet taken place.

Work Carried Out/ Condition Discharged

Application Number: DCC/3801/2015

Condition Number: 3.

Compliance Status: WORK CARRIED OUT.

No further action required at this time (see comments below).

Conditions:

The operator shall use best endeavours to ensure that vehicles delivering waste material to the site shall be sheeted.

REASON: In order to prevent dust being discharged onto the highway in the interests of highway safety and the amenity of the area.

Comments/ Course of Action:

The operator confirmed that vehicles delivering waste were sheeted, including those delivering topsoil. On-going requirement.

Application Number: DCC/3801/2015

Condition Number: 4.

Compliance Status: WORK CARRIED OUT.

No further action required at this time (see comments below).

Condition:

No waste delivery, spreading of soils or other operations associated with the development shall be carried out other than between 07.30 and 17.00 hours Mondays to Fridays inclusive, 07.30 to 13.00 hours on Saturdays and no such operations shall take place on Sundays or on public or bank holidays unless previously agreed in writing with the Waste Planning Authority.

REASON: To protect the amenity of the area.

Comments/ Course of Action:

The operator confirmed operations were being carried out within these hours. On-going requirement.

Application Number: DCC/3801/2015

Condition Number: 6.

Compliance Status: WORK CARRIED OUT.

No further action required at this time (see comments below).

Condition:

Unless otherwise agreed in writing by the County Planning Authority, no clearance of vegetation shall be carried out within the site between 15 March and 31 August inclusive in any year.

REASON: To minimise disturbance to nesting birds.

Comments/ Course of Action:

No vegetation has been cleared from the site during this period. On-going requirement.

APPENDIX 1: FULL LIST OF APPROVED PLANS/ SCHEMES & DOCUMENTS

Approved Drawings/ Schemes – <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3035/2010>

Drawing Number	Description	Comment
RJA/001/LOC	Location Plan	
Drawing-DR-01	Landscape Proposals	
90102P/1	Site Section – Proposed Levels	
90102P/2	Site Section – Proposed Levels	
90102P/3	Site Section – Proposed Levels	
90102P/4	Site Section – Proposed Levels	
90102P/5	Site Section – Proposed Levels	
90102S/1	Site Section – Proposed Levels	
90102S/2	Site Section – Proposed Levels	
90102S/3	Site Section – Proposed Levels	
90102S/4	Site Section – Proposed Levels	
90102S/5	Site Section – Proposed Levels	
System of operations	Phasing plan	
Agricultural appraisal of former waste tip at Dainton and recommendations for reinstatement		
Management Scheme	Conditions 7, 9, 10	
Planning statement to support the proposed agricultural restoration		

On behalf of Mr. Dave Black, Head of Planning, Transportation and Environment, Devon County Council

Signed: 

Date: 06/05/2016